

AMENDED IN ASSEMBLY JANUARY 27, 2014

AMENDED IN ASSEMBLY JANUARY 17, 2014

AMENDED IN ASSEMBLY JANUARY 7, 2014

AMENDED IN ASSEMBLY JANUARY 6, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 1104**

**Introduced by Assembly Member Salas**  
**(Coauthor: Assembly Member Gatto)**

February 22, 2013

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An act to add *and repeal* Section 21080.23.5~~to~~ of the Public Resources Code, relating to environmental quality.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1104, as amended, Salas. California Environmental Quality Act: biogas pipelines: exemption.

(1) The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA provides some exemptions from its requirements for specified projects, including for a project that consists of the inspection, maintenance, repair, restoration, reconditioning, relocation, replacement, or removal of an existing pipeline, as defined, if specified conditions are met.

This bill would provide that, for purposes of that exemption, until January 1, 2018, “pipeline” also means a pipeline located in Fresno,

Kern, Kings, or Tulare County, that is used to transport biogas, as the bill would define that term, and that meets the existing requirements for the exemption and all local, state, and federal laws. Because a lead agency would be required to determine the applicability of the exemption, the bill would impose a state-mandated local program.

(2) This bill would make legislative findings and declarations as to the necessity of a special statute for the Counties of Fresno, Kern, Kings, and Tulare.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21080.23.5 is added to the Public  
2 Resources Code, to read:

3 21080.23.5. (a) For purposes of Section 21080.23, “pipeline”  
4 also means a pipeline located in Fresno, Kern, Kings, or Tulare  
5 County, that is used to transport biogas, and meeting the  
6 requirements of Section 21080.23 and all local, state, and federal  
7 laws.

8 (b) For purposes of this section, “biogas” means natural gas that  
9 meets the requirements of Section 2292.5 of Title 13 of the  
10 California Code of Regulations and is derived from anaerobic  
11 digestion of dairy animal waste.

12 (c) This section shall remain in effect only until January 1, 2018,  
13 and as of that date is repealed, unless a later enacted statute, that  
14 is enacted before January 1, 2018, deletes or extends that date.

15 SEC. 2. The Legislature finds and declares that a special law  
16 is necessary and that a general law cannot be made applicable  
17 within the meaning of Section 16 of Article IV of the California  
18 Constitution because of the unique circumstances concerning  
19 ~~dealing with the delivery of~~ biogas in the Counties of Fresno, Kern,  
20 Kings, and Tulare.

21 SEC. 3. No reimbursement is required by this act pursuant to  
22 Section 6 of Article XIII B of the California Constitution because

- 1 a local agency or school district has the authority to levy service
- 2 charges, fees, or assessments sufficient to pay for the program or
- 3 level of service mandated by this act, within the meaning of Section
- 4 17556 of the Government Code.

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